

**Before
THE SUPREME COURT OF OHIO**

The Office of the Ohio Consumers' Counsel

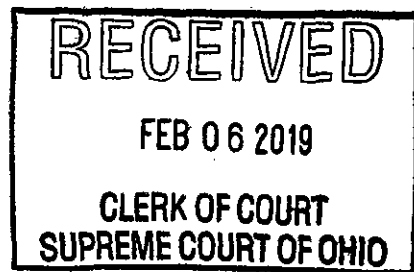
VS

The Public Utilities Commission
of Ohio

Appellant,

Appellee.

Supreme Court No. 19-0020



**Being Before
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the matter of the Application of The Dayton
Power and Light Company for Approval
Of its Electric Security Plan

Case No. 16-395-EL-SSO

In the Matter of the Application of The Dayton
Power and Light Company for approval
Of Revised Tariffs

Case No. 16-396-EL-ATA

In the matter of the Application of Dayton
Power and Light Company for Approval of
Certain Accounting Authority

Case No. 16-397-EL-AAM

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<u>10/11/2016</u>	Transcript Evening - In the Matter of the Application of The Dayton Power and Light Company to Establish a Standard Service Offer in the Form of an Electric Security Plan; In the Matter of the Application of The Dayton Power and Light Company for Approval of Revised Tariffs and In the Matter of the Application of The Dayton Power and Light Company for Approval of Certain Accounting Authority, hearing held on September 17, 2016 at 6:00 p.m.at the Dayton Municipal Building, Council Chambers, Second Floor, 101 West Third Street, Dayton OH electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Burke, Carolyn.	Trans.
<u>10/11/2016</u>	Transcript Afternoon - In the Matter of the Application of The Dayton Power and Light Company to Establish a Standard Service Offer in the Form of an Electric Security Plan; In the Matter of the Application of The Dayton Power and Light Company for Approval of Revised Tariffs and In the Matter of the Application of The Dayton Power and Light Company for Approval of Certain Accounting Authority, hearing held on September 27, 2016 at 1:00 p.m.at The Dayton Municipal Building, Council Chambers, Second Floor, 101 West Third Street, Dayton, OH, electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Burke, Carolyn.	Trans.
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<u>10/14/2016</u>	Public Comment in support filed on behalf of the University of Dayton by S. Ted Bucaro, Executive Director of Government & Regional Relations electronically filed by Ms. Donielle M Hunter on behalf of PUCO Staff.	Corres.
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<u>12/9/2016</u>	Attorney Examiner Entry granting IEU-Ohio's motion for an extension of time to file replies in accordance with Paragraph 7 - electronically filed by Sandra Coffey on behalf of Bryce McKenney, Attorney Examiner, Public Utilities Commission of Ohio.	176
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<u>12/19/2016</u>	Attorney Examiner Entry regarding IEU-Ohio's motion to compel. - electronically filed by Sandra Coffey on behalf of Bryce McKenney, Attorney Examiner, Public Utilities Commission of Ohio.	179
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<u>12/22/2016</u>	Reply to The Dayton Power and Light Company's Memorandum in Opposition to Industrial Energy Users-Ohio's Motion to Dismiss the Distribution Modernization Rider electronically filed by Mr. Matthew R. Pritchard on behalf of Industrial Energy Users-Ohio.	181
<u>12/22/2016</u>	Notice of Deposition electronically filed by Mr. Tony G. Mendoza on behalf of Sierra Club.	182
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<u>11/20/2017</u>	Memorandum in support of the application for rehearing of the Opinion and Order entered October 20, 2017 by intervenors Murray Energy Corporation and the Citizens to protect DP&L jobs electronically filed by John F Stock on behalf of Murray Energy Corporation and Citizens to Protect DP&L Jobs.	326
<u>11/20/2017</u>	Application for rehearing of the Opinion and Order entered October 20, 2017 by intervenors Murray Energy Corporation and the Citizens to protect DP&L jobs electronically filed by John F Stock on behalf of Murray Energy Corporation and Citizens to Protect DP&L Jobs.	327
<u>11/21/2017</u>	Attorney Examiner Entry granting the joint motion for an order continuing the filing date for memoranda contra the applications for rehearing - electronically filed by Sandra Coffey on behalf of Gregory Price, Attorney Examiner, Public Utilities Commission of Ohio.	328
<u>11/21/2017</u>	Joint Motion and Memorandum in Support of Industrial Energy Users-Ohio, IGS, Ohio Manufacturers' Association Energy Group, and The Dayton Power and Light Company for an Order Continuing the Filing Date for Memoranda Contra and Request for an Expedited Order and Memorandum In Support electronically filed by Mr. Frank P Darr on behalf of Industrial Energy Users-Ohio.	329

<u>12/4/2017</u>	The Kroger Company's Memorandum Contra Application For Rehearing By The Office Of The Ohio Consumers' Counsel electronically filed by Mrs. Angela Whitfield on behalf of The Kroger Co.	330
<u>12/4/2017</u>	Ohio Manufacturers' Association Energy Group's Memorandum Contra Applications For Rehearing electronically filed by Mrs. Kimberly W. Bojko on behalf of OMA Energy Group.	331
<u>12/4/2017</u>	The Dayton Power and Light Company's Memorandum in Opposition to Applications for Rehearing electronically filed by Mr. Jeffrey S Sharkey on behalf of The Dayton Power and Light Company.	332
<u>12/4/2017</u>	Memorandum Contra Applications for Rehearing by The Office of the Ohio Consumers' Counsel electronically filed by Ms. Jamie Williams on behalf of Michael, William Mr.	333
<u>12/4/2017</u>	Memorandum of Industrial Energy Users-Ohio Opposing the Third Assignment of Error of the Application for Rehearing of the Office of the Ohio Consumers' Counsel electronically filed by Mr. Frank P. Darr on behalf of Industrial Energy Users-Ohio.	334
<u>12/6/2017</u>	Entry ordering that the applications for rehearing filed by the parties on November 17, 2017 and November 20, 2017 be granted for further consideration of the matters specified in the application for rehearing.	335
<u>12/13/2017</u>	Notice of Change of Address by The Office of the Ohio Consumers' Counsel electronically filed by Ms. Jamie Williams on behalf of Sauer, Larry Mr.	336
<u>1/4/2018</u>	Notice of Withdrawal of Counsel of Richard L Sites for The Ohio Hospital Association electronically filed by Teresa Orahood on behalf of Devin D. Parram.	337
<u>1/5/2018</u>	Application for Rehearing by The Office of the Ohio Consumers' Counsel electronically filed by Ms. Jamie Williams on behalf of Michael, William Mr.	338
<u>1/16/2018</u>	The Dayton Power and Light Company's Memorandum in Opposition to The Office of the Ohio Consumers' Counsel's Application for Rehearing electronically filed by Mr. Jeffrey S Sharkey on behalf of The Dayton Power and Light Company.	339
<u>1/31/2018</u>	Second Entry on Rehearing denying the application filed by OCC on January 5, 2018.	340

<u>1/31/2018</u>	Notice of withdrawal of Amy B. Spiller as counsel for Duke Energy Ohio electronically filed by Mrs. Debbie L. Gates on behalf of Duke Energy Ohio Inc. and Rocco O. D'Ascenzo and Ms. Elizabeth H. Watts.	341
<u>2/28/2018</u>	Annual Report on OVEC electronically filed by Mr. Jeffrey S Sharkey on behalf of The Dayton Power and Light Company.	342
<u>3/9/2018</u>	Notice of Appearance of Additional Counsel by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Michael, William J. Mr.	343
<u>3/22/2018</u>	Notice of Withdrawal of Counsel electronically filed by Mr. Michael J. Settineri on behalf of Michael J. Settineri.	344
<u>4/11/2018</u>	Direct Testimony Of Kevin C. Higgins On Behalf of The Kroger Co. electronically filed by Mrs. Angela Whitfield on behalf of The Kroger Co.	345
<u>4/16/2018</u>	Utility Workers Union of America, Local 175's Notice of Withdrawal of Counsel and Notice of Designation of Counsel of Record electronically filed by Mr. John R. Doll on behalf of Utility Workers Union of America Local 175.	346
<u>4/26/2018</u>	Motion to Reopen Proceeding and Memorandum in Support electronically filed by Mr. Tony G. Mendoza on behalf of Ohio Environmental Council and Sierra Club and Environmental Law & Policy Center and Environmental Defense Fund.	347
<u>4/27/2018</u>	The Dayton Power and Light Company's Motion for an Extension of Time to File a Memorandum in Opposition to the Motion to Reopen Proceeding - Expedited Ruling Requested and memorandum in support electronically filed by Mr. Jeffrey S Sharkey on behalf of The Dayton Power and Light Company.	348
<u>4/27/2018</u>	Notice Of Substitution Of Counsel electronically filed by Mrs. Kimberly W. Bojko on behalf of OMA Energy Group.	349
<u>5/1/2018</u>	Notice of withdrawal of counsel electronically filed by Mr. Tony G. Mendoza on behalf of Sierra Club.	350

<u>5/4/2018</u>	Attorney Examiner Entry granting DP&L's motion for an extension directing that DP&L's deadline for filing a memorandum contra the pending motion to reopen proceeding be 05/11/2018 and the Conservation Groups may file a reply memorandum within seven days after service of DP&L's memorandum contra - electronically filed by Sandra Coffey on behalf of Patricia Schabo, Attorney Examiner, Public Utilities Commission of Ohio.	351
<u>5/11/2018</u>	The Dayton Power and Light Company's Memorandum in Opposition to the Motion to Reopen Proceeding electronically filed by Mr. Jeffrey S Sharkey on behalf of The Dayton Power and Light Company.	352
<u>5/18/2018</u>	Reply in Support of Motion to Reopen Proceeding electronically filed by Mr. Tony G. Mendoza on behalf of Ohio Environmental Council, Sierra Club, Environmental Law & Policy Center and Environmental Defense Fund.	353
<u>6/19/2018</u>	Notice of Withdrawal of Counsel electronically filed by Christine M.T. Pirik on behalf of Dickinson Wright PLLC.	354
<u>7/6/2018</u>	Notice of Withdrawal of Counsel electronically filed by Ms. Jamie Williams on behalf of Sauer, Larry Mr.	355
<u>7/12/2018</u>	Attorney Examiner Entry setting the deadline for DP&L to file its comprehensive infrastructure modernization plan electronically filed by Heather A. Chilcote on behalf of Public Utilities Commission of Ohio Attorney Examiner Gregory A. Price.	356
<u>9/12/2018</u>	Notice of Withdrawal of Counsel by The Office of the Ohio Consumers' Counsel electronically filed by Ms. Jamie Williams on behalf of Mr. Larry Sauer.	357
<u>9/19/2018</u>	Third Entry on Rehearing, That the Environmental Advocates' application for rehearing filed November 17, 2017, be denied. It is, further, ordered, That the applications for rehearing filed by OCC, IEU-Ohio, RESA, IGS, OMAEG, Kroger, and Murray/Citizens on November 20, 2017, be denied. It is, further, ordered, That the application for rehearing filed by DP&L on November 17, 2017, be granted, in part, and denied, in part, as set forth herein. It is, further, ordered, That the April 26, 2018 motion to reopen proceeding filed by the Conservation Groups be denied.	358

<u>10/19/2018</u>	Third Application for Rehearing by The Office of the Ohio Consumers' Counsel electronically filed by Ms. Jamie Williams on behalf of Michael, William Mr.	359
<u>10/19/2018</u>	Motion for Procedural Schedule and Memorandum in Support electronically filed by Mr. Joseph E. Olier on behalf of IGS Energy.	360
<u>10/19/2018</u>	Notice of withdrawal from Amended Stipulation and Recommendation electronically filed by Mr. Joseph E. Olier on behalf of IGS Energy.	361
<u>10/26/2018</u>	The Dayton Power and Light Company's Memorandum in Opposition to Motion for Procedural Schedule electronically filed by Mr. Jeffrey S Sharkey on behalf of The Dayton Power and Light Company.	362
<u>10/26/2018</u>	The Dayton Power and Light Company's Motion to Strike Notice of Withdrawal from the Amended Stipulation and memorandum in support electronically filed by Mr. Jeffrey S Sharkey on behalf of The Dayton Power and Light Company.	363
<u>10/26/2018</u>	Industrial Energy Users-Ohio's Memorandum Contra to Interstate Gas Supply, Inc.'s Motion for Procedural Schedule electronically filed by Mr. Matthew R. Pritchard on behalf of Industrial Energy Users-Ohio.	364
<u>10/29/2018</u>	The Dayton Power and Light Company's Memorandum in Opposition to The Office of the Ohio Consumers' Counsel's Third Application for Rehearing electronically filed by Mr. Jeffrey S Sharkey on behalf of The Dayton Power and Light Company.	365
<u>10/31/2018</u>	Reply in Support of Motion For Procedural Schedule and Memorandum in Support electronically filed by Mr. Michael A. Nugent on behalf of Interstate Gas Supply, Inc.	366
<u>11/2/2018</u>	Memorandum Contra of Interstate Gas Supply, Inc. to The Dayton Power and Light Company's Motion to Strike and Memorandum in Support electronically filed by Regan Donoughe on behalf of Interstate Gas Supply, Inc.	367
<u>11/7/2018</u>	The Dayton Power and Light Company's Reply in Support of Its Motion to Strike Notice of Withdrawal From the Amended Stipulation electronically filed by Mr. Jeffrey S. Sharkey on behalf of The Dayton Power and Light Company.	368

<u>11/7/2018</u>	Fourth Entry on Rehearing ordering that the application for rehearing filed by OCC on October 19, 2018 be denied.	369
<u>11/15/2018</u>	Attorney Examiner Entry scheduling prehearing conference electronically filed by Heather A Chilcote on behalf of Patricia Schabo, Attorney Examiner, Public Utilities Commission.	370
<u>11/16/2018</u>	The Dayton Power and Light Company's Motion for an Extension of Time to File Its Distribution Infrastructure Modernization Plan (Expedited Ruling Requested) and memorandum in support electronically filed by Mr. Jeffrey S Sharkey on behalf of The Dayton Power and Light Company.	371
<u>11/20/2018</u>	Attorney Examiner Entry granting motion for extension of time and setting deadline for filing comprehensive distribution infrastructure modernization plan electronically filed by Heather A Chilcote on behalf of Patricia Schabo, Attorney Examiner, Public Utilities Commission.	372
<u>12/6/2018</u>	Attorney Examiner Entry rescheduling hearing electronically filed by Heather A Chilcote on behalf of Patricia Schabo, Attorney Examiner, Public Utilities Commission.	373
<u>12/20/2018</u>	Transcript In the Matter of the Application of The Dayton Power and Light Company to Establish a Standard Service Offer in the Form of an Electric Security Plan; In the Matter of the Application of The Dayton Power and Light Company for Approval of Revised Tariffs and In the Matter of the Application of The Dayton Power and Light Company for Approval of Certain Accounting Authority, hearing held on December 5th, 2018 at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, OH 43215, hearing room 11-A electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.	Trans.
<u>12/28/2018</u>	Notice of Intent to Recall Witnesses electronically filed by Mr. Joseph E. Olikier on behalf of IGS Energy.	374
<u>1/7/2019</u>	Supreme Court of Ohio Notice of Appeal by The Office of the Ohio Consumers' Counsel. SC case # 19-0020.	375

**Before
THE SUPREME COURT OF OHIO**

The Office of the Ohio Consumers' Counsel

VS

The Public Utilities Commission
of Ohio

Appellant,

Appellee.

Supreme Court No. 19-0020

**Being Before
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the matter of the Application of The Dayton
Power and Light Company for Approval
Of its Electric Security Plan

In the Matter of the Application of The Dayton
Power and Light Company for approval
Of Revised Tariffs

In the matter of the Application of Dayton
Power and Light Company for Approval of
Certain Accounting Authority.

Case No. 16-395-EL-SSO

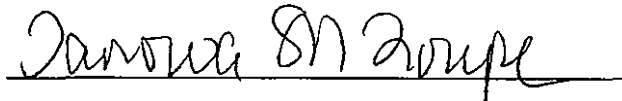
Case No. 16-396-EL-ATA

Case No. 16-397-EL-AAM

C E R T I F I C A T I O N

I, Barcy F. McNeal, the duly appointed and qualified Secretary of The Public Utilities Commission of Ohio, in whose custody the books, records, and files of said Commission are kept, do hereby certify there is transmitted herewith the docket entries of the Commission, ICN No. 1-375, the **Opinion and Order dated 10/20/2017**, the **Third Entry on Rehearing dated 9/19/2018 and Fourth Entry dated 11/7/2018, inclusive**; and the Certification of the record in Case No.'s 16-395-EL-SSO, 16-396-EL-ATA and 16-397-EL-AAM.

IN WITNESS THEREOF, I have thereunto set my hand
and affixed the official seal of The Public Utilities Commission
of Ohio this 6th day of February, 2019.

A handwritten signature in dark ink, appearing to read "Tanowa Troupe", is written over a horizontal line.

Tanowa Troupe, Acting Secretary
Susan Patterson, Acting Secretary
Beverly Hoskinson, Acting Secretary

THE PUBLIC UTILITIES COMMISSION OF OHIO